

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ALICE ROHAN, PHYLLIS BOBST,  
PATRICIA KING, MARLAINE KLINE,  
and JUNG SUGGS,

Plaintiffs,

v.

KMART CORPORATION, KMART  
MANAGEMENT CORPORATION,  
KMART OF WASHINGTON, L.L.C.,  
JAMES A. MAJOR, and DOES 1  
through 5, inclusive,

Defendants.

Case No. C05-5389 RBL

ORDER GRANTING  
PLAINTIFFS' MOTION  
TO SET DEADLINES FOR  
SUBMISSION OF EXPERT  
REPORTS

This matter comes before the Court on the Plaintiffs' Motion to Set Deadlines for Submission of Expert Reports. [Dkt. #17]. Fed. R. Civ. P. 26(a)(2)(B) requires each party to disclose the identity of any expert witness retained who will testify at trial, and to provide the other parties with a written report prepared and signed by the witness. Fed. R. Civ. P. 26(a)(2)(C), in turn, requires that these disclosures be made at the times and in the sequence directed by the Court. The Ninth Circuit, in *Lutz v. Glendale Union High School*, 403 F.3d 1061 (9th Cir. 2005), recently held that the disclosure of expert witness reports made approximately one and a half months before trial was timely and "carefully managed" by the district court. *Id.* at 1071.

1 Here, the Court ordered deadline for the disclosure of expert testimony occurred on March 22,  
2 2006. Although both parties identified their respective experts on this date, neither party exchanged expert  
3 reports. The Plaintiffs propose a number of deadlines for submitting these expert reports. In large part,  
4 the Court agrees with such recommendations, subject to several variations: (i) submission of experts'  
5 reports from Plaintiffs' expert, Jed Friend, Ph.D., and Defendants' expert, Carl Gann, April 28, 2006, (ii)  
6 submission of rebuttal experts' reports to the Plaintiffs' expert, Jed Friend, and the Defendants' expert,  
7 Carl Gann, May 29, 2006, (iii) submission of expert reports from the Plaintiffs' expert, Nayak Polissar,  
8 Ph.D., and Merrill Cohen, June 2, 2006, (iv) submission of rebuttal expert reports to the Plaintiffs' expert,  
9 Nayak Polissar, Ph.D., and Merrill Cohen, June 19, 2006, (v) deadline to complete discovery with regard  
10 to experts, July 3, 2006. Such deadlines give each party sufficient time to conduct depositions and fit  
11 neatly within the framework of Fed. R. Civ. P. 26(a)(2)(C). Thus, the Plaintiffs' Motion to Set Deadlines  
12 for Submission of Expert Reports is hereby GRANTED, subject to the variations illustrated above. [Dkt.  
13 #17].

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15 IT IS SO ORDERED this 10th day of May, 2006.

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17 RONALD B. LEIGHTON  
18 UNITED STATES DISTRICT JUDGE  
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